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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,416	10/16/2001	Tadashi Ezaki	SONYJP 3.0-211	5305
530	7590	06/14/2005	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			WORJLOH, JALATEE	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/978,416	<b>Applicant(s)</b> EZAKI, TADASHI	
	<b>Examiner</b> Jalatee Worjloh	<b>Art Unit</b> 3621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 April 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14, 15 and 17-26 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14, 15 and 17-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*HC*

### DETAILED ACTION

1. Prosecution on the merits of this application is reopened on claims 14-26 considered unpatentable for the reasons indicated below:

US Publication No. 2004/0054630 to Ginter et al. disclose the features of at least independent claim 14.

2. Claims 14, 15, and 17-26 have been examined.

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14, 15, 17-22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Publication No. 2003/0054630 to Ginter et al.

Ginter et al. disclose receiving content by one or more electronic processing devices (i.e. computer of user), the content distributed in accordance with one of a plurality of rights management and protection, receiving rights indicia (i.e. permission record/PERC) relating to the content by the one or more electronic processing devices (see paragraphs [0009] & [0124]; fig. 5A). Notice, Ginter et al. teach the process of delivering secure containers to computer users of a distribution environment. The containers including content, permission record, budgets and other methods (see fig. 5A), wherein the permission record comprises "a control set, which contains a list of methods that must be used to exercise a specific right" (see paragraph [1116]).

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Ginter et al. also teach identifying one of the plurality of rights management and protection methods by the one or more electronic processing devices through which the received content is distributed (see paragraph [0218]). Specifically, Ginter et al. teach the process where “users of content can select form among a set of predefined methods to control container”, which implies that a particular rights management and protection method is identified. Additionally, Ginter et al. disclose using the received rights indicia by the one or more electronic processing device to perform rights processing of the received content in accordance with the identified rights management and protection method to permit or deny access to the received content (see paragraph [1116]; The required methods may reference load modules, which are pieces of executable code that may be used to carry out required methods). At the time the invention was made, it would have been obvious to a person of ordinary skill the art to develop the method such as Ginter et al. One of ordinary skill in the art would have been motivated to do this it prevents unauthorized individuals from accessing the content.

Referring to claim 15, Ginter et al. disclose the plurality of rights management and protection methods specify indispensable items for purchasing and using the content, the items including a content encryption method, a key distribution method, a content decryption method, a billing information and keys transmission method, recording medium control information, a mutual authentication method, at least one of an analog protection system of macrovision and a copy generation management system and viewing limitation information (see paragraphs [0232] and [1343] Normally, most usage, audit, reporting, payment and distribution control methods are themselves at least in part encrypted and are executed by the secure subsystem of a VDE

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installation. A decrypt method is used to decrypt encrypted information, whereas an encrypt method is used to encrypt information).

Referring to claim 17, Ginter et al. disclose externally acquiring a rights management and protection module (i.e. "load module") selected based on the identified rights management and protection method, and performing the rights processing of the received content using the selected rights management and protection module (see claim 64; paragraphs [0500] & [1116]).

Referring to claim 18, Ginter et al. disclose automatically creating a rights management and protection module selected based on the identified rights management and protection method, and performing the rights processing of the received content using the selected rights management and protection module (see paragraph [1047] and claim 17 above).

Referring to claims 19 and 21, Ginter et al. disclose storing the received content and storing the received content after performing the rights processing (see paragraph [0454] secondary storage may be used to store information in a secure manner by encrypting information before storing it in secondary storage).

Referring to claim 20, Ginter et al. disclose storing the received content before performing the rights processing (see paragraph [1981] CompuServe, stores content in non-encrypted form).

Referring to claim 24, Ginter et al. disclose storing a log regarding rights processing of the received content (see paragraph [1178]).

5. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginter et al. as applied to claim 14 above, and further in view of US Patent No. 6668246 to Yeung et al.

Ginter et al. disclose decrypting the encrypted content (see paragraph [1343]; A decrypt method is used to decrypt encrypted information”). Ginter et al. do not expressly disclose reencrypting the decrypted content using another key, and storing the reencrypted content. Yeung et al. disclose reencrypting the decrypted using another key and storing the reencrypted content (see col. 9, lines 46- 50 client platform is responsible for decryption and subsequently re-encrypting content prior to storage). At the time the invention was made, it would have been obvious to a person of ordinary skill the art to modify the method disclose by Ginter et al. to include the step of reencrypting the decrypted content using another key, and storing the reencrypted content. One of ordinary skill in the art would have been motivated to do this because it minimizes piracy by providing additional security.

Referring to 23, Ginter et al. disclose receiving the content encrypted by a predetermined key and receiving the predetermined key encrypted by a second key (see claim 14 above, notice, the content and keys are stored in a secure encrypted container) and decrypting the encrypted predetermined key (see paragraph [1343]). Ginter et al. do not expressly disclose reencrypting the decrypted key using another key and storing the reencrypted key together with the encrypted content. Yeung et al. disclose reencrypting the decrypted key using another key and storing the reencrypted key together with the encrypted content (see col. 9, lines 46-50). At the time the invention was made, it would have been obvious to a person of ordinary skill the art to modify the method disclose by Ginter et al. to include the step of reencrypting the decrypted key using another key and storing the reencrypted key together with the encrypted content. One of ordinary skill in the art would have been motivated to do this because it minimizes piracy b providing additional security.

6. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ginter et al. as applied to claim 14 above, and further in view of US Patent No. 6772344 to Chan.

Ginter et al. disclose receiving content (see claim 14 above). Ginter et al. do not expressly disclose performing an analog protection system process on a playback signal obtained by processing the received content after performing the rights processing based on the identified rights management method, and externally outputting the processed playback signal. Chan discloses performing an analog protection system process on a playback signal obtained by processing the received content after performing the rights processing based on the identified rights management method, and externally outputting the processed playback signal (see col. 10, lines 51-53 In order to prevent unauthorized copying of the analog video signal, means for generating analog copy protection signal is included in video interface). At the time the invention was made, it would have been obvious to a person of ordinary skill the art to modify the method disclose by Ginter et al. to include the step of performing an analog protection system process on a playback signal obtained by processing the received content after performing the rights processing based on the identified rights management method, and externally outputting the processed playback signal. One of ordinary skill in the art would have been motivated to do this because it reduces piracy.

Referring to claim 26, Ginter et al. disclose encrypting the received content after performing the rights processing and externally outputting the encrypted content (see claims 14 & 15 above).

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- "Digital Watermarking" by Berghel et al. discusses the purpose of digital watermarks, requirements of watermarks and techniques for watermarking.
- WO 00/08909 to Dorak et al. discloses a system for tracking end-user electronic content usage.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is (571)272-6714. The examiner can normally be reached on Mondays-Thursdays 8:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571)272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 for Regular/After Final Actions and (571)273-6714 for Non-Official/Draft.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:




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Jalatee Worjloh  
Patent Examiner  
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June 8, 2005



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